

21 C.J.S. Courts § 109

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Courts

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III. Creation and Constitution; Officers of Courts

A. Creation, Organization, and Abolition of Courts

1. In General

§ 109. General and specific rules—Conferring concurrent jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  41, 42(1), 43

**In the legitimate exercise of the power conferred, the legislature may confer on a court jurisdiction concurrent with that of another court.**

The legislature may confer on a court jurisdiction concurrent with that of another court, where such act is a legitimate exercise of the power conferred on the legislature, having regard also to such jurisdiction as may be conferred on the latter court by the constitution of the state.<sup>1</sup> Thus, the mere grant of jurisdiction by the constitution to certain courts will not prevent the legislature from conferring concurrent jurisdiction on subordinate<sup>2</sup> or higher<sup>3</sup> courts. This may be done under the provisions of the several state constitutions where the jurisdiction granted by the constitution is not exclusive.<sup>4</sup> However, concurrent jurisdiction with a constitutional court cannot be conferred on another tribunal where the purpose of such grant is to deprive the constitutional court of its general jurisdiction,<sup>5</sup> or its effect is to impair the court's jurisdiction over matters exclusively within its province.<sup>6</sup>

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Footnotes

- 1 Ala.—*Morris v. McElroy*, 23 Ala. App. 96, 122 So. 606 (1929).
- 2 U.S.—*California v. Arizona*, 440 U.S. 59, 99 S. Ct. 919, 59 L. Ed. 2d 144 (1979).
- 3 Tex.—*Gulf, W.T. & P. Ry. Co. v. Fromme*, 98 Tex. 459, 84 S.W. 1054 (1905).

- 4 N.Y.—*In re Malloy's Estate*, 278 N.Y. 429, 17 N.E.2d 108 (1938).
- 5 N.Y.—*Flynn v. Central R. Co. of New Jersey*, 142 N.Y. 439, 37 N.E. 514 (1894).
- 6 Ind.—*In re Petition to Transfer Appeals*, 202 Ind. 365, 174 N.E. 812 (1931).
- Tex.—*State v. Gillette's Estate*, 10 S.W.2d 984 (Tex. Comm'n App. 1928).

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